

ASSEMBLY BILL

No. 1620

Introduced by Assembly Member Nunez

February 21, 2003

An act to amend Section 87482.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1620, as introduced, Nunez. Community colleges: temporary and part-time faculty.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee. Existing law requires the issue of earning and retaining annual reappointment rights by any person employed as temporary or part-time faculty to be a mandatory subject of negotiation with respect to any new or successor contract between community college districts and temporary or part-time faculty.

This bill would authorize any person employed as a temporary employee and any part-time faculty member whose teaching assignment exceeds 20% of the equivalent of a minimum full-time teaching assignment, to challenge a decision by a community college district not to offer reappointment in the next consecutive academic year, to the teaching position previously held by the employee. The bill would provide that allegations that a community college district, when deciding not to offer the employee reappointment in the next

consecutive academic year to the teaching position previously held by the employee, acted in a manner that, to a reasonable person, was unreasonable, or violated, misinterpreted, or misapplied any of its applicable policies or procedures concerning the evaluation of employees, be classified and procedurally addressed as a grievance. To the extent this bill would expand procedural requirements for community college districts when making employment decisions, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87482.5 of the Education Code is
2 amended to read:

3 87482.5. (a) Notwithstanding any other provision of law, any
4 person who is employed to teach adult or community college
5 classes for not more than 60 percent of the hours per week
6 considered a full-time assignment for regular employees having
7 comparable duties shall be classified as a temporary employee, and
8 shall not become a contract employee under Section 87604.

9 (b) Service as a substitute on a day-to-day basis by persons
10 employed under this section shall not be used for purposes of
11 calculating eligibility for contract or regular status.

12 (c) (1) *Any person employed as a temporary employee under*
13 *this section, and any part-time faculty member whose teaching*
14 *assignment exceeds 20 percent of the equivalent of a minimum*
15 *full-time teaching assignment, may challenge a decision by a*
16 *community college district not to offer reappointment in the next*



1 *consecutive academic year, to the teaching position previously*
2 *held by the employee, under the procedures and conditions set*
3 *forth in Section 87610.1 and in this subdivision.*

4 *(2) An allegation that a community college district, when*
5 *deciding not to offer the employee reappointment in the next*
6 *consecutive academic year to the teaching position previously held*
7 *by the employee, acted in a manner that, to a reasonable person,*
8 *was unreasonable, or violated, misinterpreted, or misapplied any*
9 *of its applicable policies or procedures concerning the evaluation*
10 *of employees, shall be classified and procedurally addressed as a*
11 *grievance. If there is no contractual grievance procedure, the*
12 *allegation shall proceed to hearing in accordance with Section*
13 *87740.*

14 SEC. 2. Notwithstanding Section 17610 of the Government
15 Code, if the Commission on State Mandates determines that this
16 act contains costs mandated by the state, reimbursement to local
17 agencies and school districts for those costs shall be made pursuant
18 to Part 7 (commencing with Section 17500) of Division 4 of Title
19 2 of the Government Code. If the statewide cost of the claim for
20 reimbursement does not exceed one million dollars (\$1,000,000),
21 reimbursement shall be made from the State Mandates Claims
22 Fund.

